

ZB# 92-38

Joan Carlough

62-7-20

Prelim:

Nov. 9, 1992.

App. furnished
Assessor's list
from Town of
Cornwall & New
Windsor -

~~GPD to be~~

~~replied.~~ N/A

Need Copy of:

- ① Deed ✓
 - ② Title Report. ✓
 - ③ We have photos. need
add. showing L, G, &
④ Fees. ✓
- 11/12/92 When lists are ready,
applicant to contact me

for hearing date.
Notice to Sentinel 11/24/92
Joan to furnish.

- ① Application ✓
- ② Fees ✓
- ③ Deeds ✓

Dec. 14, 1992

Area Variance
Granted

44,500 refund
Pd.

92-38 - Carlough, Joan
(existing addition)

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

13025

December 1 1992

Received of

Joan M. Carlough

\$ 50.00

Fifty and 00/100

DOLLARS

For

Zoning Board Application Fee # 92-38

DISTRIBUTION:

FUND	CODE	AMOUNT
Ch # 5710		50.00

By

Pauline G. Thorpe

Town Clerk

Title

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Carlough, Joan

FILE # 92-38

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 paid 11/30/92
* * * * * # 5710

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 paid 11/30/92
5711

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 11/9/92 - 6 pages . . . \$ 27.00
2ND PRELIM. MEETING - PER PAGE 12/4/92 - 3 pages . . . \$ 13.50
3RD PRELIM. MEETING - PER PAGE \$
PUBLIC HEARING - PER PAGE \$
TOTAL \$ 40.50

ATTORNEY'S FEES:

PRELIM. MEETING- .1 HRS. \$
2ND PRELIM. HRS. \$
3RD PRELIM. P.H., .2 HRS. \$
FORMAL DECISION .8 HRS. \$
TOTAL HRS. 1.1 @ \$ 150.00 PER HR. \$ 165.00
TOTAL \$ 165.00

MISC. CHARGES:

_____. \$
TOTAL \$ 205.50

LESS ESCROW DEPOSIT . . . \$ 250.00
(ADDL. CHARGES DUE) . . . \$
REFUND TO APPLICANT DUE . \$ 44.50 *due refund*

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

JOAN CARLOUGH

DECISION GRANTING
AREA VARIANCE

#92-38.

-----X

WHEREAS, JOAN CARLOUGH, 302 Oak Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 5 ft. 4 in. side yard variance for an existing addition to the above residential dwelling at the above address located in an R-4 zone; and

WHEREAS, a public hearing was held on the 14th day of December, 1992 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared in behalf of herself and spoke in support of the application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations relating to side yard in order to maintain an existing addition to her residential dwelling in an R-4 zone.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable side yard, would be required in order to allow her to maintain the existing addition to her residential dwelling which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that at the time of her purchase of the residential dwelling in 1983, the addition existed but the initial municipal search of the town records did not disclose that the addition was constructed in 1975 without any building permit, and no certificate of occupancy was ever issued thereafter for the addition. It wasn't until recently when applicant contacted her bank to refinance that the absence of a certificate of occupancy for the addition was discovered.

5. In view of these circumstances, applicant is now applying for a side yard variance of 5 ft. 4 in. in order to obtain a certificate of occupancy for her residential dwelling to permit the existing addition to remain as constructed by the previous owner.

6. The evidence presented by the applicant substantiated the fact that the applicant's house and lot are both small, since the original house pre-dated the adoption of the Zoning Local Law of the Town of New Windsor.

7. Consequently, there was little available yard area in which any addition could be located.

8. It appeared from the evidence presented by applicant that if the addition had been constructed in another location on the parcel, substantial variances would have had to be sought and/or the location of the addition would not be functional.

9. The addition was located in the side yard because that was where it was most feasible to place it. The addition could not be located in the other side yard or in the rear yard without seeking a variance at least as large or larger than the variance sought on this application. The addition could have been placed in the front yard but this would not permit a functional layout of the house and might still require a variance.

10. The evidence presented by the applicant also indicated that there was existing landscaping between neighboring yards and this minimizes the impact of the addition on the adjacent neighbor's property and ameliorated the closeness of the dwellings.

11. The evidence presented by applicant substantiated the fact that this variance, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since it will fit in well with the other residential dwellings adjacent thereto.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undersirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is not substantial in relation to the bulk regulations for side yard. It is the conclusion of this Board that the granting of the requested variance is warranted here because the addition was constructed in the most suitable location on this undersized lot which predates zoning with the least adverse impacts on the neighborhood and the applicant.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is not a self-created one since the violative condition was created by a predecessor in title and, although this failure to comply with the applicable bulk regulations normally would be attributable to a successor in title and thus constitute self-created hardship, it is the conclusion of this Board that the applicant made an attempt to investigate the municipal status of the property when she purchased it in 1983 and the fact that there was no certificate of occupancy for the addition was not disclosed thereby. The applicant above is now in the process of correcting this situation by the appropriate application to this Board.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 5 ft. 4 in. side yard variance in order to allow an existing addition at the above location in an R-4 zone as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 25, 1993.


Chairman

(ZBA DISK#8-011993.JC)

Date 1/18/93 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 359 Moores Hill DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
12/4/92		Zoning Board Meeting	75.00	
		Misc - 2		
		Quality Homes - 7 - 31.50.		
		Slifstein - 11 - 49.50		
		Bittles - 4 - 18.00.		
		Carlough - 3 - 13.50		
		Ledwith - 5 - 22.50.		
		Walsh - 4 - 18.00		
		Mario - 31 - 139.50.		
		<u>67</u>	<u>301.50</u>	
			376.50	

PUBLIC HEARING: CARLOUGH, JOAN

MR. FENWICK: This is a request for 5 foot 4 inch side yard variance for existing addition located at 302 Oak Drive in an R-4 zone.

Joan Carlough appeared before the Board representing this proposal.

MR. FENWICK: Explain to us why you are here all over again.

MS. CARLOUGH: Nine years ago when I bought the house, everything went fine but when I went to refinance, it was indicated that I needed a variance for an addition that was built 17 years ago.

MR. FENWICK: Which is prior to you owning the house?

MS. CARLOUGH: Which was 8 years prior to me owning the house.

MR. FENWICK: Do we have photographs?

MS. CARLOUGH: Yes.

MR. FENWICK: We're talking about this section here?

MS. CARLOUGH: Yes. It seems that the addition was built without a building permit and I went through all the process of the engineer and fire underwriters and that is the fireplace in the room so everything was okayed and I have gone through all of that and then of course I was told I had to get the variance.

MR. FENWICK: You are aware of all these?

MR. BABCOCK: Yes, we have the engineers report, we have electrical inspection, I'm sure we have been there or else she wouldn't have had all this stuff.

MR. LUCIA: This is another where we told Ms. Carlough that county referral was needed and again because of the October 22, 1992 agreement between the county and the town, it's no longer need so we can skip that.

Thank you for providing deed and title policy. I see

that there's a reference to certain covenants, restrictions, easements, agreement of record which are not completely spelled out. Is there anything affecting the title to this property to your knowledge which would prevent you from maintaining the structure that is now there from which you are now seeking a variance?

MS. CARLOUGH: No.

MR. FENWICK: Any questions from the Members of the Board. At this time, I'll open it up to the public. If anyone has any comments on the Carlough application? If not, I'll close the public hearing for the audience and open it back up to the Members of the Board.

MR. KONKOL: I'll make a motion we approve it.

MR. FENWICK: Before we go through that, let Dan run through his questions for the legalities.

MR. LUCIA: If this Board should grant you the variance you're seeking, do you feel that would create undesirable change in the character of the neighborhood or detriment to nearby properties?

MS. CARLOUGH: No.

MR. LUCIA: Is the benefit which you seek achievable by some other method other than the variance which you are now seeking?

MS. CARLOUGH: No, I don't think so.

MR. LUCIA: Is the requested area variance substantial that is in terms of numbers you're looking for 5 foot 4 inch side yard variance?

MS. CARLOUGH: I think it's reasonable.

MR. LUCIA: As opposed to the requirement and how it would impact your neighbors, how close they might be to your sidelines, size and side yards of properties in the neighborhood, does it depart --

MS. CARLOUGH: Yes, it does because you can see how close or how far away the next neighbor is and with the landscaping in between.

MR. LUCIA: Okay, the landscaping ameliorates the closeness you're attempting to minimize the impact on the neighborhood.

MS. CARLOUGH: Well, it was there, it's the way I bought it.

MR. LUCIA: And your neighbor obviously got notice of this application and has no objection.

MS. CARLOUGH: No, I spoke to him.

MR. LUCIA: Do you feel that the proposed variance will have an adverse effect on physical or environmental conditions of the neighborhood?

MS. CARLOUGH: No.

MR. LUCIA: Did you create this problem yourself?

MS. CARLOUGH: No.

MR. KONKOL: I make the motion that the variance be approved.

MR. NUGENT: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.

Nov. 9th, 1992
7:30 pm.

92-38

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: OCTOBER 8, 1992

APPLICANT: JOAN CARLOUGH
301 OAK DRIVE
NEW WINDSOR, N.Y. 12553

496-5918 (h)
623-1263 (o)

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED:

FOR (BUILDING PERMIT): OF EXISTING ONE STORY ADDITION 16' X 20'

LOCATED AT: 301 OAK DRIVE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION 62 BLOCK 7 LOT 20

ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT SIDE YARD SET-BACK.

Frank J. Jisi
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE F-10	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD	15FT.	9'8"
REQ'D TOTAL SIDE YD		5'4"

APPLICANT: JOAN CARLOUGH
301 OAK DRIVE
NEW WINDSOR, N.Y. 12553

496-5918(h)
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BUILDING INSPECTOR

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ZONE: R-4	USE F-10	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD	15FT.	9'8" 5'4"
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.		
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS. IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS.

Name of Owner of Premises JOAN M. CARLOUGH
Address RD 4 Box 301 OAK DRIVE Phone 496-5918
NEW WINDSOR NY
Name of Architect _____
Address _____ Phone _____
Name of Contractor unknown
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder _____
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N.S.E.or W.)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 62 Block 7 Lot 20
4. State existing use and occupancy of _____

NOT BE USED UNTIL IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO
CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED
AFTER CORRECTION.

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Name of Owner of Premises JOAN M. CARLOUGH
Address RD 4 Box 301 OAK DRIVE Phone 496-5918
NEW WINDSOR NY
Name of Architect
Address Phone
Name of Contractor unknown
Address Phone
State whether applicant is owner, lessee, agent, architect, engineer or builder.....
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the side of
(N.S.E. or W.)
and feet from the intersection of
2. Zone or use district in which premises are situated Is property a flood zone? Yes No
3. Tax Map description of property: Section 62 Block 7 Lot 20
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy b. Intended use and occupancy
5. Nature of work (check which applicable): New Building Addition Alteration Repair
Removal Demolition Other EXISTING 16 x 20 ADDITION
6. Size of lot: Front Rear Depth Front Yard Rear Yard Side Yard
Is this a corner lot?
7. Dimensions of entire new construction: Front Rear Depth Height Number of stories
8. If dwelling, number of dwelling units Number of dwelling units on each floor
Number of bedrooms Baths Toilets EXISTING
Heating Plant: Gas Oil Electric/Hot Air Hot Water Addition
If Garage, number of cars
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use DEN
with fireplace
10. Estimated cost Fee \$50.00 (to be paid on this application)
11. School District

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date 10-5-1992

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

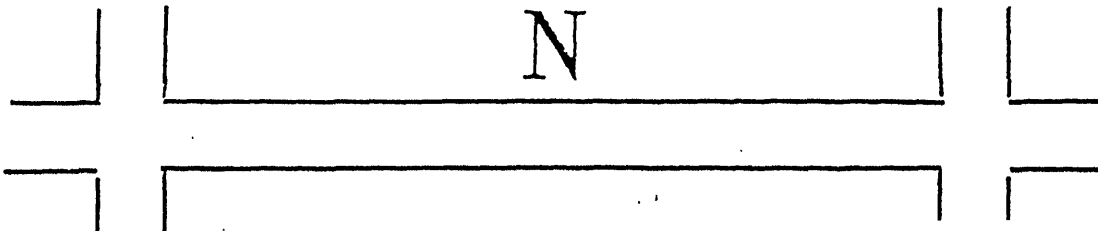
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....
(Signature of Applicant)

.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer —
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date 10-5- 1992

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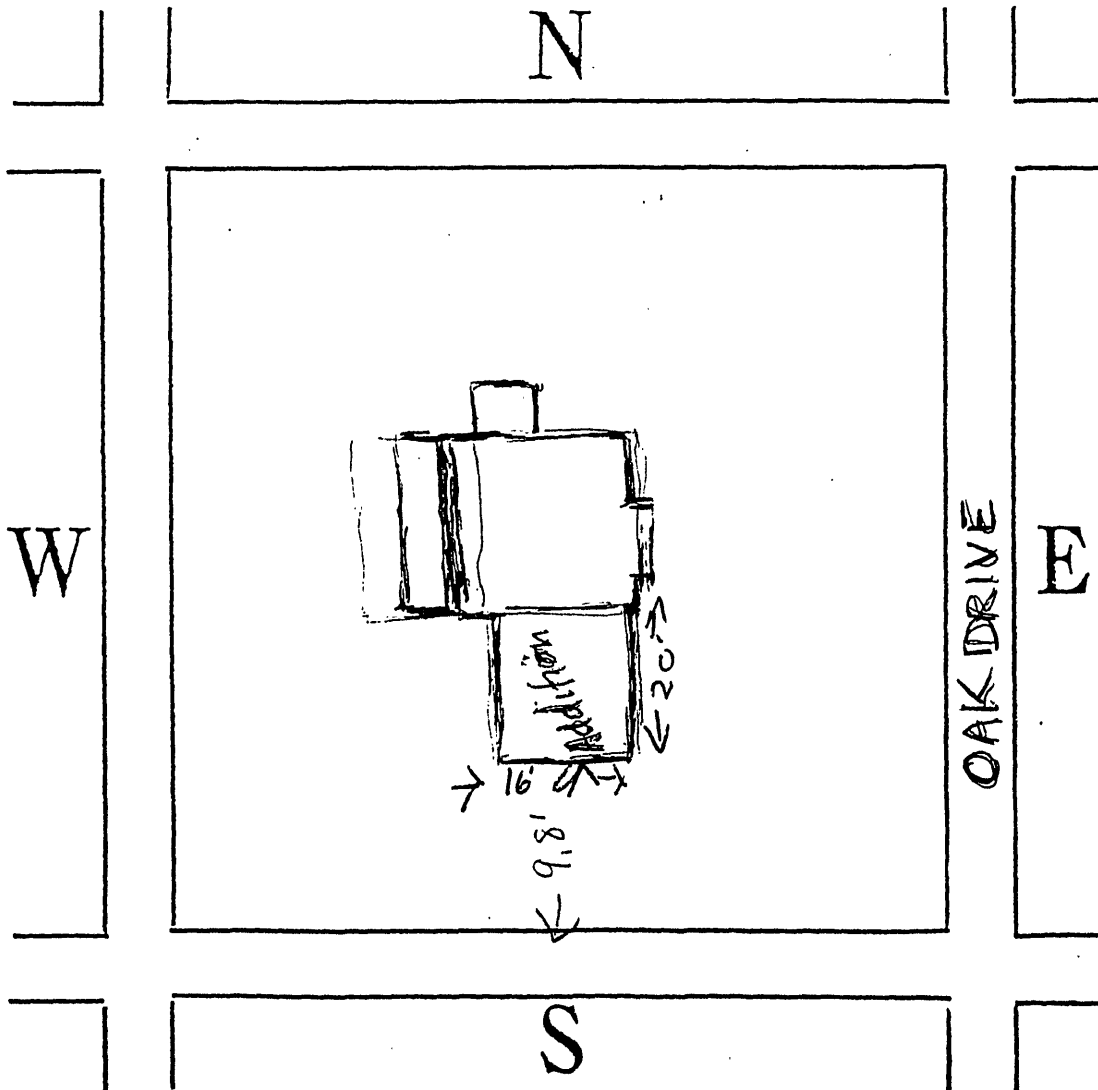
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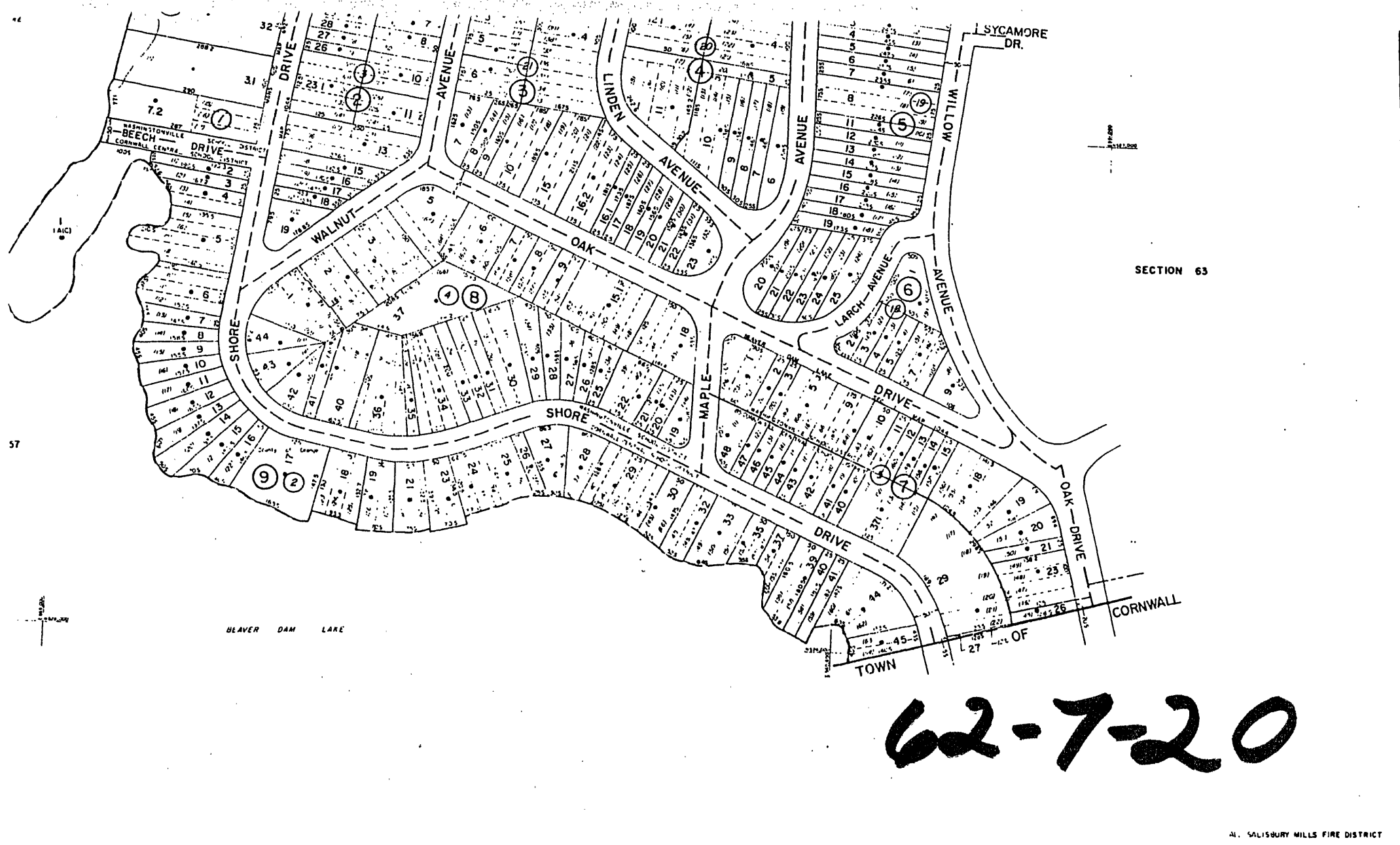
(Signature of Applicant)

(Address of Applicant)

PLOT PLAN

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 Applicant must indicate the building line or lines clearly and distinctly on the drawings.





62-7-20

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY, TOWN OR VILLAGE	RAILROAD LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LIMIT	WATCH LINE	AREAS	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS

ORANGE COUNTY-NEW YORK

Photo No. 7-344,345 Date of Map 9-24-67
 Date of Photo 3-1-65 Date of Revision 3-1-91
 Scale 1" = 100'

TOWN OF NEW WINDSOR

Section No. 62

AL. SALISBURY MILLS FIRE DISTRICT

342
TAA

This Indenture,

Made the

29th day of July

, nineteen

hundred and eighty-three

Between JOHN J. MORAN, JR., and PATRICIA A. MORAN, husband and wife, both residing at No. 301 Oak Drive, Town of New Windsor, County of Orange, State of New York,

parties of the first part, and

JOAN M. CARLOUGH, residing at (no street number), P.O. Box 980, Fort Montgomery, County of Orange, State of New York,

party of the second part:

Witnesseth, that the parties of the first part, in consideration of TEN AND 00/100
----- (\$10.00) ----- Dollars,
lawful money of the United States, and other good and valuable consideration
paid by the party of the second part,
do hereby grant and release unto the party of the second part,
her heirs and assigns forever,

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, being Lots No. 50, 51, and 52, Block 5, upon a certain map entitled, Beaver Dam Lake, Section 1, lands of Henry Power Ramsdell, Towns of Cornwall and New Windsor, Orange County, New York, made by Blake and Woodhull, C.E., dated April 22nd, 1931, and filed in the Office of the Clerk of the County of Orange.

TOGETHER with an easement or right of way as an appurtenance to said premises over all streets and parkways shown on said Map, and the right to use the Lake shown on said Map for boating, fishing, recreation and sports insofar as the party of the first part has the right to grant such use to the party of the second part; without recourse, however to the party of the first part, his heirs, executors, administrators or assigns, for any claim of damages, cause of action or claim of liability for injury or death caused by or arising from or by reason of the use of said streets and parkways, or said Lake, by the party of the second part, his heirs or assigns.

And the party of the first part hereby reserves a utility right of way two feet in width along the rear or front of each lot for the use of electric light or telephone poles and water mains; except such lots as have their front upon the water line of said Lake, upon which lots said utility right of way two feet in width is hereby reserved along the rear of said lots.

This conveyance is given and received upon the following covenants and agreements, which are hereby attached to and made part of the title to said lands and shall run with such title in whose hands so ever the title may hereafter come or be, that is to say:

1. That no structure of any sort shall ever be erected, placed or permitted to stand or be upon said premises other than a private residence or garage, and no such structure or building shall be erected on the premises unless plans for the same are first approved by the party

JOHN J. MORAN, JR., and PATRICIA A. MORAN, husband and wife, both residing at No. 301 Oak Drive, Town of New Windsor, County of Orange, State of New York,

parties of the first part, and

JOAN M. CARLOUGH, residing at (no street number), P.O. Box 980, Fort Montgomery, County of Orange, State of New York,

party of the second part:

Witnesseth, that the parties of the first part, in consideration of TEN AND 00/100
----- (\$10.00) ----- Dollars,
lawful money of the United States, and other good and valuable consideration
paid by the party of the second part,
do hereby grant and release unto the party of the second part,
her heirs and assigns forever,

All THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, being Lots No. 50, 51, and 52, Block 5, upon a certain map entitled, Beaver Dam Lake, Section 1, lands of Henry Power Ramsdell, Towns of Cornwall and New Windsor, Orange County, New York, made by Blake and Woodhull, C.E., dated April 22nd, 1931, and filed in the Office of the Clerk of the County of Orange.

TOGETHER with an easement or right of way as an appurtenance to said premises over all streets and parkways shown on said Map, and the right to use the Lake shown on said Map for boating, fishing, recreation and sports insofar as the party of the first part has the right to grant such use to the party of the second part; without recourse, however to the party of the first part, his heirs, executors, administrators or assigns, for any claim of damages, cause of action or claim of liability for injury or death caused by or arising from or by reason of the use of said streets and parkways, or said Lake, by the party of the second part, his heirs or assigns.

And the party of the first part hereby reserves a utility right of way two feet in width along the rear or front of each lot for the use of electric light or telephone poles and water mains; except such lots as have their front upon the water line of said Lake, upon which lots said utility right of way two feet in width is hereby reserved along the rear of said lots.

This conveyance is given and received upon the following covenants and agreements, which are hereby attached to and made part of the title to said lands and shall run with such title in whose hands so ever the title may hereafter come or be, that is to say:

1. That no structure of any sort shall ever be erected, placed or permitted to stand or be upon said premises other than a private residence or garage, and no such structure or building shall be erected on the premises unless plans for the same are first approved by the party of the first part, or her successors in interest. If, upon request by the purchaser, the seller refuses to give such approval the question may be referred to a Board of Arbitration consisting of three Arbitrators, one to be selected by the seller, one by the purchaser and the

third by the other two so selected. This Board of Arbitration shall have the power of final decision and if they decide that such structure is not detrimental to the general interests and social standards of the community the seller shall forthwith give written approval of the plans for the erection of said building. The porch line of any residence, or the wall of any garage, must be at least twenty feet from the line of the street upon which it fronts, and no buildings or structure shall be erected, placed or permitted to stand less than two and one-half feet from the line of the lot upon which it stands. No cesspool or septic tank, constructed on the premises is to be installed less than fifty feet from the high water mark of said Lake nor less than 6 feet from the line of any lot.

2. Not more than one dwelling shall be erected, placed or permitted to stand or be on less than two lots, nor upon a lot or lots having a frontage of less than fifty feet; except upon the lots abutting on the shore of the said Lake, and upon lots marked on said Map as lots designated for business purposes.

3. No boats propelled by motors, engines, or other mechanical power will be permitted or used upon said Lake and only boats propelled by hand or wind shall be used thereon, and said Lake shall not be used for any business purposes whatever.

4. No advertising signs, nor any fowls or other livestock, nor any noxious or noisome or objectionable thing having a regard to the general character of the neighborhood, shall ever be permitted upon the premises hereinbefore described or on any portion thereof; except that the restriction as to advertising signs shall not apply to lots marked on said Map as lots designated for business purposes.

5. No manufacturing or business of any kind shall ever be carried on, maintained or permitted upon the lands hereinbefore described, or any portion thereof, except upon lots marked on said Map as lots designated for business purposes.

6. No fence or fences shall be erected, placed or permitted to stand or be on said premises, or on the boundary lines thereon. This restriction shall run until January first, 1950.

BEING the same premises described in a deed from Frank Hodek, Jr. as executor of the last will and testament of Evelyn L. Hodek to Frank Hodek, Jr., dated January 4, 1973, recorded in the Orange County Clerk's Office dated January 9, 1973, in Liber 1930 of deeds at page 712.

BEING the same premises described in a deed dated April 26, 1973, from Frank Hodek, Jr., to John J. Moran, Jr. and Patricia A. Moran, which deed was thereafter recorded in the Orange County Clerk's Office on May 17, 1973, in Liber 1942 of Deeds at page 767.

Together with the appurtenances and all the estate and rights of the parties of the first part in and to the said premises.

To have and to hold the premises herein granted unto the party of the second part, her heirs and assigns forever.

And the said parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever

And The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that they will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have hereunto set their hand and seal the day and year first above written

In the Presence of:

✓ John J. Moran, Jr.
John J. Moran, Jr.
✓ Patricia A. Moran
Patricia A. Moran

State of New York, County of ORANGE

SS.:

On the 29th day of July, nineteen hundred and eighty-three before me personally came

And the said parties of the first part covenant that they have not done or suffered anything whereby the said premises have been incumbered in any way whatever

And The grantors, in compliance with Section 13 of the Lien Law, covenant as follows: That they will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that they will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the parties of the first part have hereunto set their hand and seals the day and year first above written

In the Presence of:

John J. Moran, Jr.
John J. Moran, Jr.
Patricia A. Moran
Patricia A. Moran

State of New York, County of ORANGE

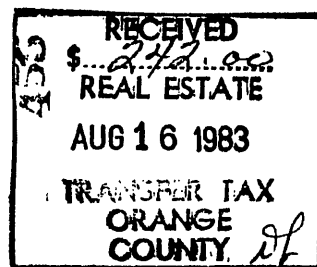
SS.:

On the 28th day of July, nineteen hundred and eighty-three before me personally came John J. Moran, Jr. and Patricia A. Moran, to me known to be the individuals described in, and who executed, the foregoing instrument, and acknowledged that they executed the same.

Daniel J. Cloom
Notary Public

LIPER 2259 PG 555

DANIEL J. CLOOM
Notary Public--State of New York
Residing in Orange County
Commission Expires March 30, 1985



Deed.

JOHN J. MORAN, JR., and
PATRICIA A. MORAN,

TO

JOAN M. CARLOUGH.

Dated, *July 29th* 1983

*RR to: Monden Mayer ES
186 N. Middlebrook Rd
Newport NY.*

Orange County Clerk's Office, s.s.:

Recorded on the *16th* day
of *Aug* 1983 at *9:01*
o'clock *14* M. in Liber *2259*
Deeds at page *553*

and Examined.

Marion S. Murphy
Clerk

~~Bloom & Bloom, P.C.~~
530 BLOOMING GROVE TURNPIKE
(AT THE PROFESSIONAL CIRCLE)
P.O. BOX 4323
NEW WINDSOR, NEW YORK 12550

Spec 2259 pg 556

ABL N Lot. *242-*
13-

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Joan Carlough,
Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

92-38.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On November 30, 1992, I compared the 62 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
30th day of November, 1992.

Deborah Allen
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993

RECEIVED NOV 16 1983

Title Insurance

Policy

POLICY NUMBER

606- 060951



COMMONWEALTH LAND®
TITLE INSURANCE COMPANY
A Reliance Group Company

In Consideration of the payment of its charges for the examination of title and its premium for insurance, insures the within named insured against all loss or damage not exceeding the amount of insurance stated herein and in addition the costs and expenses of defending the title, estate or interest insured, which the insured shall sustain by reason of any defect or defects of title affecting the premises described in Schedule A or affecting the interest of the insured therein as herein set forth, or by reason of unmarketability of the title of the insured to or in the premises, or by reason of liens or encumbrances affecting title at the date hereof, or by reason of any statutory lien for labor or material furnished prior to the date hereof which has now gained or which may hereafter gain priority over the interest insured hereby, or by reason of a lack of access to and from the premises, excepting all loss and damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth in Schedule B, or by the conditions of this policy hereby incorporated into this contract, the loss and the amount to be ascertained in the manner provided in said conditions and to be payable upon compliance by the insured with the stipulations of said conditions, and not otherwise.

In Witness Whereof, Commonwealth Land Title Insurance Company has caused this policy to be signed and sealed on its date of issue set forth herein.

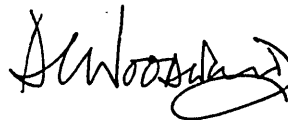
COMMONWEALTH LAND TITLE INSURANCE COMPANY

Countersigned:



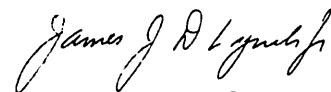
Authorized Validating Signature





President

Attest:



Secretary

ABL ABSTRACT CORP.
P. O. Box 259
Fishkill, N. Y. 12524
914-896-8680

COMMONWEALTH LAND TITLE INSURANCE COMPANY

POLICY NUMBER

606-060951

TITLE NUMBER

G-775-496

Amount \$ 60,500.00

Date of Issue 8/16/83

Name of Insured

Joan M. Carlough

SCHEDULE A

1. The fee simple title to said land is at the date hereof vested in

Joan M. Carlough, by virtue of a certain deed from John J. Moran, Jr. and Patricia A. Moran, husband and wife, dated 7/29/83 and recorded 8/16/83 in Liber 2259 of Deeds at page 553.

2. The mortgage or deed of trust and assignments, if any, covered by this Policy are described as follows:

Policy No.

Title No. G-775-496

SCHEDULE A
(CONTINUED)

3. The land referred to in this Policy is situated in County of Orange State of New York
and is described as follows:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being Lots No. 50, 51 and 52, Block 5, upon a certain map entitled, "Beaver Dam Lake, Section 1, Lands of Henry Power Ramsdell, Towns of Cornwall and New Windsor, Orange County, New York," made by Blake and Woodhull, C.E., dated April 22, 1931 and filed in the office of the Clerk of the County of Orange, more particularly bounded and described when taken together as one parcel as follows:

BEGINNING at a point on the southwesterly line of Oake Drive, where same is intersected by the division line between lands herein described and Lot No. 49 on the aforesaid map; thence from said point of beginning, on a course running along said Lot No. 49, South 87° 54' 00" West 134.64 feet, to a point; thence from said point, along Lots 18 and 19 on the aforesaid map (all in Block 5 on said map) on a curve to the left having a radius of 325 feet, a distance 73.42 feet, to a point, and Lot 53 in the aforesaid block on the aforesaid map, being lands now or formerly of Cardinal; thence along said lands on a course North 54° 12' 12" East 147.08 feet, to a point on the aforesaid side of Oak Drive; thence along said Oak Drive, the following: on a curve to the right having a radius of 150.00 feet, a distance of 129.50 feet and South 2° 06' 00" East 52.29 feet, to the aforesaid Lot No. 49, Block 5 to the point and place of beginning.

Policy No.

Title No. G-775-496

SCHEDULE B

Showing defects, liens, encumbrances and other matters against which the Company does not, by this Policy, insure:

- A. Restrictive covenants and conditions set forth in Liber 1942 cp 767, and prior deeds of record
- B. Survey dated 8/1/83, revised 8/2/83, made by Mcgoey, Hauser & Grevas, C.E., shows a 1½ story frame residence, within bounds; post and rail fence, running along or near northwesterly lines; macadam drive, servicing the subject premises; overhead lines, servicing the subject premises; concrete patio, attached to dwelling (partially roofed), within bounds; no variations.

Date11/21/92....., 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 389 Moores Hill Rd DR.

New Windsor, NY 12553

DATE	CLAIMED	ALLOWED
11/9/92	75 00	
Zoning Board		
Misc - 2		
Carlaugh - 6 - *27.00		
Sarinisky - 10 - 45.00		
Bottles - 4 - 18.00		
Slifstein - 13 - 58.50		
Aquino - 11 - 49.50		
Bennura - 8 - *36.00		
Freeman - 5 22.50		
<u>59.50</u>	265 50	
APPROVED:	399 50	
Chairman		

PRELIMINARY MEETING

CARLOUGH, JOAN

MR. FENWICK: This a request for five foot four inch side yard variance for existing one story addition located at 301 Oak Drive in a R-4 zone. Would you come up please?

Mrs. Joan Carlough appeared before the board for this proposal.

MR. FENWICK: Tell us why you were cited.

MRS. CARLOUGH: I went for a refinancing and I found out that eight years before I bought the house, that an addition had been put on the house and there was no building permit. So, I went through all the procedures, had all the inspections, everything passed and now I have to get a variance.

MR. LUCIA: When did you build the house?

MRS. CARLOUGH: I bought the house in '83.

MR. LUCIA: And the addition was put on when about?

MRS. CARLOUGH: They said '75 but it didn't show up, I guess in the first title search in '83 but I guess there's additional searches done now.

MR. LUCIA: Right.

MRS. CARLOUGH: I was told just to bring a picture.

MR. TANNER: Banks are a lot stricter than they were then.

MRS. CARLOUGH: I wish they had required it then.

MR. FENWICK: Not that it makes you feel any better, but you're not in the boat alone, it's happening all over the place. As we're looking at it, what's the addition, the part with the three windows.

MRS. CARLOUGH: Yes.

MR. FENWICK: Very small house to start off with.

MRS. CARLOUGH: Yes, it's just a salt box.

MR. TORLEY: We ought to have a warehouse sale for everybody that is doing a refinancing on their how is.

MRS. BARNHART: Have them all done at the same time, good idea.

MR. FENWICK: At this time, you have no record whatsoever of when it was built, other than hearsay, correct?

MRS. CARLOUGH: Just from the assessments from '75 that is what the building inspector said.

MR. FENWICK: Showed up on the assessment records in 1975?

MRS. CARLOUGH: Yeah, that is what he said and he said that it must have been caught somehow it maybe the building inspector or the assessor was just riding around or cause I questioned that. I was wondering how it showed up there if they didn't have a building permit but--

MR. FENWICK: They seem to operate separately.

MRS. CARLOUGH: That is what I understand.

MR. LUCIA: There was a county-wide reassessment I believe in '74 that went on by the '75 roll so probably what happened was when they went through the house, they found more rooms than were previously on the card, that is how it got on.

MRS. CARLOUGH: I had questioned it because when I had my survey done to me it was part of the original house but the building inspector said it wouldn't have shown, it just looks like it was part of what was on the house.

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MR. TORLEY: We cannot establish that it was there before zoning?

MR. FENWICK: No. How old is the house, do you know?

MRS. CARLOUGH: I'm not sure. I'm trying to think I just don't know. I think it was information sent to me that said it was before the certificate of occupancy had to be given out.

MR. KONKOL: They had no C.O.'s.

MRS. CARLOUGH: I don't remember the year.

MR. KONKOL: Dan, is there anything in the law that could grandfather that? That seems kind of ridiculous, people buy a house like in this lady's instance and she obviously probably went through a bank when you bought the house?

MRS. CARLOUGH: Oh yeah, same bank.

MR. KONKOL: And she was approved now because they come along with the C.O. I think there should be something done about that.

MR. LUCIA: Unfortunately, the problem is that since you're dealing with building codes basically health and safety regulations, I think it's a matter of public policy they are normally not grandfathered simply because you don't ever want to stop building inspector from enforcing current codes, either because something was missed or over time standards improved and you now require people to meet certain standards so I'm not sure it's a matter of public policy that something that ought to be done. Unfortunately, it puts applicants to a lot of expense because the bank's standards have changed.

MR. KONKOL: There should be some shorter method with less expense to the applicant.

MR. LUCIA: I agree with you.

MR. TORLEY: If there was some mention of establishing

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that this addition was put on before the zoning codes then we would not have the situation, correct?

MR. LUCIA: That is correct but since she's been cited, she'd be hard pressed to move at this point that the entire structure as it now stands pre-dates zoning.

MR. TORLEY: If you can do that it would--

MR. LUCIA: If you could establish somehow that the addition was before 1965, then you'd be home free.

MRS. CARLOUGH: I have no idea.

MR. LUCIA: Mr. Torley's trying to give you a possible way of going around the whole application.

MRS. CALOUGH: I don't know. I didn't see the house until '83.

MR. LUCIA: I suppose you can get testimony from somebody who is around the neighborhood willing to sign an affidavit to that effect. That is something we can consider but if it wasn't there it wasn't there, you can't make something up at this point.

MR. TANNER: We're just talking side yards on this?

MR. TANNER: Why don't we set her up for a public hearing.

MR. KONKOL: I'll second that.

ROLL CALL

MR. TORLEY	AYE
MR. KONKOL	AYE
MR. TANNER	AYE
MR. FENWICK	AYE

MR. TORLEY: Ma'am, I still would suggest that you talk to your neighbors and see if any of them really does remember when that was put on.

MRS. CARLOUGH: They don't, at that time I think it was

pretty much summer housing and I believe that the original people have either passed away or just these are all new people now that have bought houses.

MR. FENWICK: Before you leave, I'm going to have the attorney give you some information what you're going to need when you come back for your public hearing.

MR. LUCIA: One of the things that you have to get is a list of property owners within 500 feet getting it from the Town of New Windsor assessor. It appears from the tax map your property is approximately 145 feet from the Town of Cornwall Town line. So in addition you're going to have to go to the Town of Cornwall assessor and pick up any property owner that is within a 500 foot radius from any of your property lines that would include those in the Town of Cornwall. Because it's so near the Town boundary, this is going to need a referral to the County Department of Planning and Development. That is not for your action, just for our notes in terms of the way it's handled here. When you come back this is an area variance you're applying for and even though it's not of your making, you didn't cause this problem, you still need to meet all the standards that any applicant would have to meet. Basically in deciding on an area variance, this board has to involve itself in a balancing test in considering whether the benefit to you if the variance is granted is weighed against the detriment to the health, safety and welfare by granting the variance from the zoning requirements. There are 5 specific issues you'll have to speak to when you come back to meet that test. First whether undesirable change will be produced in the character of the neighborhood or detriment to the nearby properties will be created. Second the benefits sought by you can be achieved by some other method feasible for you to pursue other than a variance. Third, whether the requested variance is substantial. In this case, you're looking for a 5.4 inch. Fourth, whether proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. Five, whether alleged difficulty was self-created. In this case you bought it that way so that is not a problem for you. Also when you come

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back, to the public hearing, you have to bring with you copy of your deed, title policy, presume you got that when you bought the property and I don't know if the board wants any additional photographs besides the ones you brought.

MR. TANNER: Something that shows the relationship of your house to the next house on that side.

MR. LUCIA: There's a cover sheet with the package you just got that lays out the instructions for filling it out. When you get the application, bring it back to Pat, if you have any questions, give her a call. When you submit that, you have to submit 2 checks, one for \$50 application fee and second one for \$250 deposit for Town consultant fees and various disbursements the board has in processing your application. That is an estimate. If it turns out to be high, you get a refund. Turns out to be low, you get a bill.

MRS. CARLOUGH: May I just ask a question? So I just have to go to the Town of New Windsor and the Town of Cornwall and get the 50 mile--

MR. LUCIA: 500 feet radius from any of your property lines.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

92-38.

Date: 11-10-92

I. ✓ Applicant Information:

- (a) JOAN M. CARLOUGH, RD 4 Bx 301 OAK DR. NEW WINDSOR NY 12553 496-5918
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

() Use Variance

() Sign Variance

(X) Area Variance

() Interpretation

III. ✓ Property Information:

- (a) R-4 301 OAK DR. NEW WINDSOR N.Y. 62-7-20.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A.
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1983
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? YES
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____
- _____
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

N/A.
 (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ✓ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk 1 Regs., Col. F.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
- Reqd. Side Yd. <u>15 ft.</u>	<u>9' 8"</u>	<u>5' 4"</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

✓ (b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

ALREADY EXISTING ADDITION DOES NOT STAND 15' AWAY FROM PROPERTY LINE ON SIDE. PRESENT OWNER BOUGHT HOUSE IN 1983 AS 15'.

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size

signs. N/A

(c) N/A. What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

TREES + LANDSCAPING BETWEEN STRUCTURE + PROPERTY LINE (NORMAL)

EXISTING ADDITION BUILT IN 1975 BY PREVIOUS OWNER.
SURVEY IN 1983 SHOWED HOUSE 'AS IS' WHEN PRESENT
OWNER PURCHASED HOUSE. SEARCH DID NOT SHOW UP

ANY PROBLEMS.

✓ IX. Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ✓ Check in the amount of \$ 50.00 payable to TOWN OF NEW WINDSOR. 250.00.
- ✓ Photographs of existing premises which show all present

X. Affidavit.

Date: 11/12/92

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Joan M. Carlongh
(Applicant)

Sworn to before me this

12th day of November, 1992.

Patricia A. Barnhart

XI. ZBA Action:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1993.

(a) Public Hearing date: _____

(b) Variance: Granted ☐ Denied ☐

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

17
5dup.

JOAN M CARLOUGH 62-7-20

MIRABILE CHARLES & MARGARET RD #4 BOX 504 SHORE DR NEW WINDSOR, NY 12553	2-1-1
FETZER ROBERT NELSON 113 FOREST RD WALLKILL, NY 12589	2-1-2
AHLERS GEORGE S RD#4 BOX 506 SHORE RD NEW WINDSOR, NY 12553	2-1-3
PALUMBO GREGORY RD 4 507 SHORE RD NEW WINDSOR, NY 12553	2-1-5
CAVALUZZI ROBERT J JR RD 4 507 1/2 NEW WINDSOR, NY 12553	2-1-6
MARTELLARO JOSEPH A & PATRICIA A RD 4 BOX 311 SHORE DR NEW WINDSOR, NY 12553	2-2-1
BOMBARDI JOSEPH & COLUMBIA C 34-09 BELL BLVD BAYSIDE, NY 11361	2-2-3
POGUE ROBERT & DEIRDRE MCKEON, ETAL RD 4 BOX 304 NEW WINDSOR, NY 12553	2-2-5
VALKANA ANASTASIA & DEMETRA PO BOX 4204 NEW WINDSOR, NY 12553	2-2-7
BUSHELL JOHN & CAROL 90 MORINGSIDE DR NEW YORK, NY 10027	2-2-8
LUTZ ALFRED W & VIRGINIA	2-2-9

RD 4 BOX 309
NEW WINDSOR. NY 12553

IMPERIAL-ROGERS GERALD A & BETH 2-2-10
RD 4 SHORE DR BOX 310
NEW WINDSOR. NY 12553

LINDEN HANS & MARGARET 2-3-2
RD 4 BOX 272 HICKORY AVE
NEW WINDSOR. NY 12553

CIANO JOHN E & MARGARET 2-3-4
791 CURTIS AVE
STATEN ISLAND. NY 10310

SHILLING GREGORY J & PATRICIA 2-3-6
RD 4 BOX 274 HICKORY AVE
NEW WINDSOR. NY 12553

LEWIS MARK & ANN J 2-3-7.2
39 FENIMORE RD
SCARSDALE. NY 10583

SLOWIK RONALD S & MARGARET 2-3-8
RD4 ALDER DR
NEW WINDSOR. NY 12553

LIGUORI ANTHONY & GEORGIANNA 2-3-10
RD 4 BOX 283 OAK DRIVE
NEW WINDSOR. NY 12553

FARRELL ROBERT & CHARLOTTE 2-3-11
RD 4 BOX 285 OAK DR
NEW WINDSOR. NY 12553

URICKS MICHAEL & KATHLEEN 2-12-2
RD 4 ALDER DR
NEW WINDSOR. NY 12553

KELLY WILLIAM R & JOANNE M 2-12-3
RD 4 BOX 182 ALDER DR
NEW WINDSOR. NY 12553

LO BIANCO VICTOR
RD 4 BOX 280 ALDER DR
NEW WINDSOR. NY 12553

2-12-4

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 38

Request of Joan M. Carlough

for a VARIANCE of

the regulations of the Zoning Local Law to

permit an existing addition w/
insufficient sideyard;

being a VARIANCE of

Section 48-12-Table of Use/Bulk Rcgs.-Col. F

for property situated as follows:

301 Oak Drive

New Windsor, NY. Known &

designated as Tax map Sec. 62-BK. 7-Lot 20.

SAID HEARING will take place on the 14th day of

December, 1992, at the New Windsor Town Hall,

555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

Richard Fenwick
Chairman